

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2793 OF 2005

Mrs. Yashoda Krushna Gharat..... Petitioner.

Versus

The State of Maharashtra & Ors..... Respondents.

Mr. S. V. Gavand for the Petitioner.

Mr. P. M. Patil, AGP for the Respondents.

CORAM: DALVEER BHANDARI, C.J. &
S. A. BOBDE, J.

DATED : APRIL 28, 2005.

P.C. :

The petitioner is aggrieved by the notice dated 23^d April, 2005 issued by respondent No.2, Returning Officer, thereby calling a meeting on 28th April, 2005 for the election of Sarpanch.

2. Contention of the petitioner that his resignation has been forged under Section 29(3) of the Bombay Village Panchayats Act,

1958, which reads as under:

“(3) If any member or the *Sarpanch* whose resignation is placed before the meeting of the *Panchayat* wants to dispute the genuineness of the resignation, he shall refer such dispute to the Collector within seven days from the date on which his resignation is placed before the meeting of the *panchayat*. On the receipt of dispute, the Collector shall decide it, as far as possible within fifteen days from the date of its receipt.”

3. Petitioner has clear remedy to approach the Collector. The Act also provides further appeal to the Commissioner against the order of the Collector, if the petitioner is so aggrieved. In our opinion, since the petitioner has a statutory remedy available to him under the Bombay Village Panchayats Act, 1958. We are not inclined to exercise our extra ordinary jurisdiction under Article 226 of the Constitution.

4. Learned Counsel for the petitioner has placed reliance on a judgment of Sitaram v/s State of Maharashtra & Ors., reported in AIR 1999 Bombay 40. In the facts and circumstances of this case, the said judgment has no application.

5. The writ petition being devoid of any merit, is accordingly dismissed.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.